IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 19924 of 2006

DATED: 25.9.2006

Between:

M.Ramanna PETITIONER

AND

APSRTC,
Rep by its Deputy Chief Personnel Manager,
Nalgonda, Nalgonda dist and others
RESPONDENTS

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 19924 of 2006

ORAL ORDER:

The present writ petition is filed questioning the action of the respondents in not granting special grade to the petitioners as illegal and arbitrary.

The petitioners are employed in the respondent-APSRTC as Drivers and Conductors and claim that they have completed 12 years service. The case of the petitioners is that on completion of 12 years service in the corporation they are entitled to stagnation increments in terms of Circular No. 65 of 1989 dated 3.6.1989 and the subsequent circular No. P1/D3(12)/87-PD dated 17.9.1991. The grievance of the petitioners is that though they had put in more than 12 years service, they are being deprived of the stagnation increment on the ground that they had not completed 12 years service in the present department. The petitioners contend that the employees transferred on request may lose their seniority but they will not lose the service rendered in the corporation. Hence, the present writ petition seeking appropriate directions to the respondents to release stagnation increments to the petitioners.

Learned counsel for petitioner submitted that circular dated 3.5.1989 only prescribe completion of 12 years of service in the corporation for entitlement to the benefit of stagnation increment. It is further submitted that the issue raised in the present writ petition is squarely covered by a judgment of Division Bench judgment of this

Court in W.A. No. 1861 of 2005 dated 7.10.2005.

Heard learned counsel for petitioner and learned Standing Counsel for respondent corporation.

The relevant portion of Judgment of this Court in W.A. No. 1861 of 2005 dated 7.10.2005 reads as under;

> *"....as per the settlement arrived at, under Sction 12(3) of the Industrial Disputes Act, 1947 between the employees union and the management, a circular has been issued vide PD-30/2005 dated 4.6.2005 wherein it is stated that the employees, who were denied their special grade on account of their transfer from one region to another, on request on loss of seniority, would be allowed special grades on completion of 12 years of service in the same category and their pay would be fixed notionally from the date of their eligibility and the monetary benefit consequent on fixation should be paid with effect from 1.4.2005. He submits that having regard to the said Circular, the direction issued by the learned single judge is not sustainable.*
>
> *Considering the submissions made on behalf of both the parties and also in view of the Circular already issued by the appellants-corporation as aforesaid, it is needless to mention that the respondent also would be entitled to be treated on the same lines as contemplated there under, by making necessary payments with effect from 01.04.2005 and fixing the scale notionally from the date of his eligibility.*
>
> *Subject to above observation, the writ appeal is disposed of. There shall be no order as to costs."*

The issue raised in the present writ petition is squarely covered by the order of the Division Bench in W.A. No. 1861 of 2005. Hence,

following the above judgment, the present writ petition is disposed of directing the respondents to fix the scale of the petitioners notionally from the date of his eligibility and to make necessary payments w.e.f. 01.04.2005 in terms of Circular PD-30/2005 dated 04.06.2005.

No costs.

_____

N.V.RAMANA,J

DATE: 25.9.2006
TVK

WRIT PETITION NO : 19924 of 2006

DATED: 25.9.2006